

REMARKS

Claims 1-6 and 8-21 are pending in the present application. By the present action, claim 7 is canceled; claims 1-4, 8, 11-13, 16-17, and 19 are amended; and claim 21 is added. Reconsideration of the claims is respectfully requested.

I. Examiner Interview

The Examiner is thanked for the courtesy of a telephone interview. Proposed amendments to claim 1 were discussed at the interview and resulted in additional clarification of the invention recited in the claims. The comments below encompass the topics discussed.

II. 35 U.S.C. § 112, Second Paragraph

Claims 1, 11, and 17 stand rejected under 35 U.S.C. § 112, second paragraph, as lacking antecedent basis for "*said modified telephone call tree*". This rejection is respectfully traversed.

These claims have now been amended to provide proper antecedent basis for the recited elements. Therefore the rejection of claims 1, 11, and 17 under 35 U.S.C. § 112, second paragraph has been overcome.

III. 35 U.S.C. § 102, Anticipation

Claims 1-4, 6, 8-13, and 15-19 stand rejected under 35 U.S.C. § 102 as being anticipated by Wolf, Script-Based Interactive Voice Mail and Voice Response System, U.S. Patent No. 5,737,393, April 7, 1998 (hereinafter "**Wolf**"). This rejection is respectfully traversed.

With regard to claims 1 and 17, the rejection states:

Regarding claim(s) 1 and 17, Wolf discloses a method for interacting with a telephone call tree (FIG. 2 and column 1, line 9-11), comprising the steps of:
accessing a telephone call tree (FIG. 2 and column 1, lines 9-11);
identifying a plurality of nodes of said telephone call tree, said plurality of nodes associated with an interest to a user said telephone call tree (FIG. 2 and column 3, lines 57-67); and
associating an instruction set with at least one node of said plurality of nodes of said modified telephone call tree, said instruction set mapping said respective identifier for each said node of said plurality of nodes of said modified telephone call tree respective identifier of at least one node of a plurality of nodes of said telephone call tree (FIG. 2 and column 4, lines 9-27).¹

¹ Office Action dated October 6, 2005, Page 3

The Examiner is thanked for finding **Wolf**, which underscored a possibly ambiguous manner in which the claims could have been read. The claims have now been amended to further clarify the claimed invention. Exemplary claim 1 now recites:

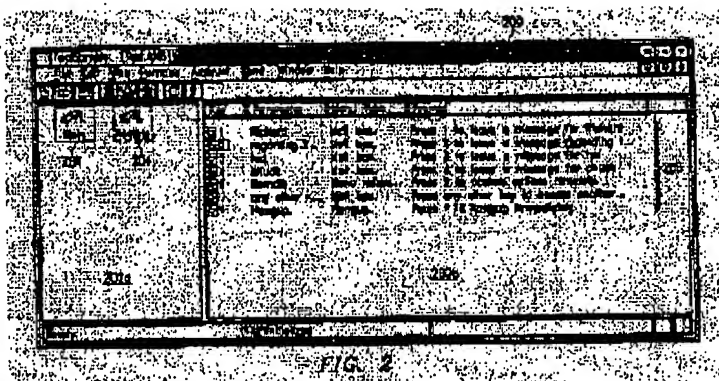
1. (Currently amended) A method for interacting with a telephone call tree, comprising the steps of:
 - accessing a telephone call tree associated with an automated telephone answering service;
 - downloading a copy of said telephone call tree to form a downloaded call tree;
 - identifying a plurality of nodes of said downloaded call tree, said plurality of nodes being of interest to a user of said telephone call tree;
 - deleting, from said downloaded call tree, nodes that are not in said plurality of nodes to produce an individualized call tree;
 - associating an instruction set with a node of said plurality of nodes, said instruction set mapping said node to a respective node of said telephone call tree;
 - storing said individualized call tree at a location accessible to a calling device; and
 - wherein a user of said calling device interacts with said telephone call tree through said individualized call tree.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990).

Wolf does not anticipate claim 1 because it does not show every element of the invention recited in claim 1, arranged as they are in this claim. **Wolf** especially does not show the step of "associating an instruction set with a node of said plurality of nodes, said instruction set mapping said node to a respective node of said telephone call tree". Further, the steps of **Wolf** do not combine in a manner "wherein a user of said calling device interacts with said telephone call tree through said individualized call tree".

The abstract of **Wolf** states the thrust of this patent succinctly, noting, "In a preferred embodiment, an interactive voice mail/voice response ("IVR") system of the present invention enables a user to build and operate custom IVR functions"². **Wolf** is "authoring" the systems. The cited portions of **Wolf**, e.g., Figure 2 and the associated text, explain how.

² **Wolf**, second sentence of abstract



Wolf states:

In accordance with the features of the present invention, a user's use of the IVR system 26 is facilitated by the use of a plurality of graphical user interface ("GUI") screens and dialog boxes for display on the display 19. FIG. 2 illustrates a main screen 200 comprising a menu section

202a and a records section 202b. A plurality of menu icons 204, in this case, a "Main" icon and a "Remote" icon, are displayed in the menu section 202a. Upon selection of one of the menu icons 204 displayed in the menu portion 202a, a corresponding menu, or script, for the selected menu is displayed in the records section 202b. As shown in FIG. 2, the Main icon has been selected, resulting in the display in the records section 202b of the script 206. Each line of the displayed script 206 comprises an individual menu, or script, record and, for purposes to be described in detail below, each record of the script 206 includes a "Key" component, a "Parameter" component, a "Menu type" component, and a "Prompt" component.

As will be described in detail below, using the IVR system 26 of the present invention, the user is able to create, modify, and delete entire menus, such as Main or Remote, as well as one or more records within a menu. As will be recognized, a user can create as many different menus and corresponding scripts as he or she desires. It should be noted that, as used herein, "menu" and "script" may be used interchangeably to refer to a set of individual records.

To create a new menu, which will be represented by an icon similar to the icons 204 in the menu section 202a, the user accesses a "Menu Properties" dialog box, as shown in FIG. 3, through a series of appropriate menu picks, as will be recognized by those skilled in the art. From the Menu Properties dialog box, the user may select a Menu tab 300 to access a Menu page, which is shown in FIG. 3, to enter a name of the new menu, for example, "Basic Machine," a password to be associated with the menu which must be entered before a caller can access the menu, and an icon for representing the menu in the menu section 202a of the main screen 200 (FIG. 2). It should be noted that if a password is not entered on the Menu page, no password will be required and the menu will be freely accessible by callers. Similarly, although not shown, selection of a "Greeting" tab 302 results in the display of a Greeting page that enables the user to record a greeting for the menu. A typical greeting might be, for example, "Welcome to the XYZ company customer service facility."³

³ Wolf, column 3, line 50 through column 4, line 27

Wolf is thus creating and modifying a telephone tree that defines how users can reach destinations within an organization. This is in contrast to the present invention, which *"download[s] a copy of said telephone call tree"* in order to create *"an individualized call tree"* that is mapped to the original telephone call tree. By creating a copy of the tree that is individualized to a user but mapped to the original tree, the user can visually navigate the call tree in a convenient manner on a device, such as a mobile phone. Because Wolf is creating/modifying the original of the tree, Wolf does not show an instruction set that maps between the individualized tree and the original tree. Since Wolf does not show all of the steps of the invention recited in claim 1, this claim is not anticipated by Wolf. Further, claims 11 and 17 are rejected for reasons similar to claim 1; so these claims are not anticipated by Wolf.

Since the remaining claims depend from either claim 1, 11, or 17, the same distinctions between Wolf and the invention in claim 1 is also true for these claims. Additionally, the dependent claims recite further distinctions not shown by the art relied on.

For example, claim 2 recites, *"wherein the downloading step comprises the steps of: accessing a hyper-link, said hyper-link including a network address associated with said telephone call tree; and downloading said copy of said telephone call tree"*. The cited portion of Wolf, which is included in the citation above, shows manipulating a telephone call tree, but it does not show accessing a hyper-link that includes a network address associated with the call tree and downloading the copy of the call tree. Consequently, it is respectfully urged that the rejection of claim 2 has been overcome.

For another example, claim 3 recites the additional step of *"assigning a respective identifier to each node of said plurality of nodes"*. The recited *"plurality of nodes"* is part of the *"downloaded call tree"*, which becomes the *"individualized call tree"*. Wolf does not show an individualized call tree, so Wolf cannot show assigning an identifier to nodes that are in the individualized call tree. Consequently, it is urged that the rejection of claim 3 has been overcome.

Therefore, the rejection of claims 1-4, 6, 8-13, and 15-19 under 35 U.S.C. § 102 has been overcome.

Furthermore, Wolf does not teach, suggest, or give any incentive to make the needed changes to reach the presently claimed invention. Wolf is creating an original telephone tree, not creating a user copy mapped to the original, as recited in claim 1. Absent the examiner pointing

out some teaching or incentive to implement the copying and mapping with **Wolf**, one of ordinary skill in the art would not be led to modify **Wolf** to reach the present invention when the reference is examined as a whole. Absent some teaching, suggestion, or incentive to modify **Wolf** in this manner, the presently claimed invention can be reached only through an improper use of hindsight using the applicants' disclosure as a template to make the necessary changes to reach the claimed invention.

IV. 35 U.S.C. § 103. Obviousness

The examiner has rejected claims 5, 7, 14, and 20 under 35 U.S.C. § 103 as being unpatentable over **Wolf** in view of **Espejo et al., Pre-Paid Wireless Interactive Voice Response System with Variable Announcements**, U.S. Patent No. 6,748,066, June 8, 2004 (hereinafter "**Espejo**"). This rejection is respectfully traversed.

With regard to claims 1 and 17, the rejection states:

Regarding claim(s) 5 and 14, **Wolf** as applied to claim(s) 1 and 11 differs from claim(s) 5 and 14 in that it fails to disclose the steps are performed with a wireless telephone.

However, **Espejo** teaches a method, wherein the steps are performed with a wireless telephone (FIG. 2 and column 3, lines 57-66).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of **Wolf** using the wireless interactive voice response system as taught by **Espejo**.

This modification of the invention enables the system to perform with a wireless telephone the invention so that the user would have a prepaid service in its mobile phone.⁴

It is noted that **Espejo** has been cited to show that a wireless telephone can perform the claimed steps. However, **Espejo** does not make up for the shortcomings of **Wolf** with regard to the independent claims. **Espejo** does not show or suggest the step of "*associating an instruction set with a node of said plurality of nodes, said instruction set mapping said node to a respective node of said telephone call tree*". Further, **Espejo** does not show "*wherein a user of said calling device interacts with said telephone call tree through said individualized call tree*", as recited in claim 1. Since neither of the references relied on shows or suggests these steps, their combination does not show or suggest the steps.

⁴ Office Action dated October 6, 2005, Pages 6-7

Therefore, the rejection of claims 5, 7, 14, and 20 under 35 U.S.C. § 103 has been overcome.

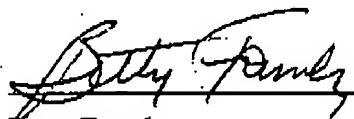
V. Conclusion

It is respectfully urged that the subject application is patentable over Wolf and Espejo and is now in condition for allowance.

The examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

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Respectfully submitted,



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